

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 19, 2006 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 06004

PROPOSAL: To vacate 25' right-of-way in Walton, NE

LOCATION: "Madison" Street, north of A Street, in Walton, NE

LAND AREA: 25' X 150', 3,750 square feet

CONCLUSION: This vacation would create landlocked parcels and limit access to the north.

<u>RECOMMENDATION:</u>	Does Not Conform to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The 25 foot right-of-way adjacent to the east lot line of Lot 6 IT., and the west line of Lots 7,8 and 9, Block 3 of Gierens Addition to Walton, located in the SE 1/4 of Section 30, T10N, R8E, Walton, Lancaster County NE

SURROUNDING LAND USE AND ZONING:

North: Residential land, zoned R-2 and AG
South: Residential land, zoned R-2
East: Residential land, zoned R-2
West: Church, zoned R-2

ASSOCIATED APPLICATIONS: None

HISTORY: Portions of Madison Street to the south of "A" Street were vacated in **2002 and 1994**. The area was zoned A-2, Single Family Dwelling District until it was updated to R-2, Residential during the **1979** zoning update. This half street was platted in **1910** as part of Gieren's 1st Addition to Walton. Walton was established in **1880**.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as Urban Residential, within the Tier I future service limit. Priority "B". This is in the area of

STREET VACATION NO.06004

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future city growth in the next 12 to 25 years. It also states: "Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. Pg F 18

5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; pg 67"

UTILITIES: None noted

TOPOGRAPHY: flat

TRAFFIC ANALYSIS: Madison Street (117th Street), to the south, is a local north-south street. The subject tract is a half street generally in line with Madison Street, on the north side of A street. It is currently being used as part of the Grace Evangelical Lutheran Church parking lot and access to the house to the north.

PUBLIC SERVICE: Walton SID for water. County service and Southeast Rural Fire.

ANALYSIS:

1. Lincoln Municipal Code Chapter 14.20 relative to right-of-way is not applicable since this is a county road.
2. This is a petition to the County Board for a vacation of a 25' dedicated half street of "Madison" right-of-way adjacent to Lot 6 I.T. Walton, Nebraska.
3. The church is currently using this as parking and access
4. The existing unnamed street is a dedicated half street that is not constructed to county road standards. It provides frontage and access to several lots to the north. Madison Street to the south is a county gravel street.
5. Lots 12, 11, 10, 9, 8, and 7 Gieren's Addition and Lots 54, 17 and 6 IT would all have potential access and buildability issues if this street is vacated.
6. The County Engineer recommends denial due to the restriction of access to lots to the north.

STREET VACATION NO.06004

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7. This is a County Road in the City three mile jurisdiction and will require approval by both the City Council and the County Board.

IF APPROVED BY THE PLANNING COMMISSION, BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA, THE FOLLOWING MUST BE COMPLETED:

1. The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers. This should apply to Lots 54, 17 and 6 I.T. and to lots 7 through 12, Block 3 Gieren's Addition.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: July 5, 2006

APPLICANT: Grace Lutheran Church - Walton
11640 A Street
Walton, NE 68461
(402) 489-8693

OWNER: Lancaster County

CONTACT: Grace Lutheran Church
(402) 489-8693



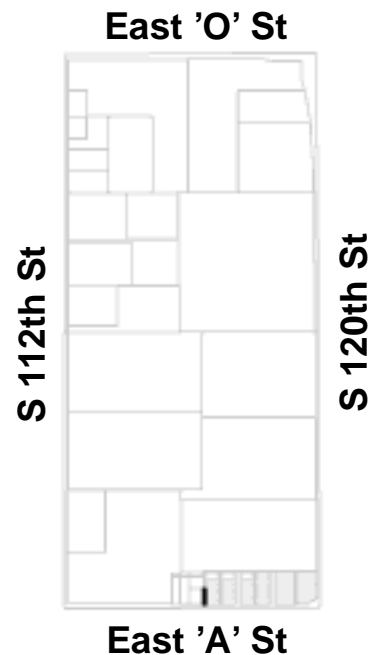
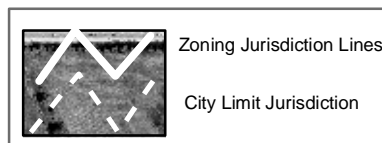
Street & Alley Vacation #06004 Unnamed Street in Walton, NE.

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 30 T10N R8E



LOT 58
20.78 | Ac. Total
20.17 | Ac. Net

#2002-18197

LOT 60
20.69 | Ac. Total
20.17 | Ac. Net

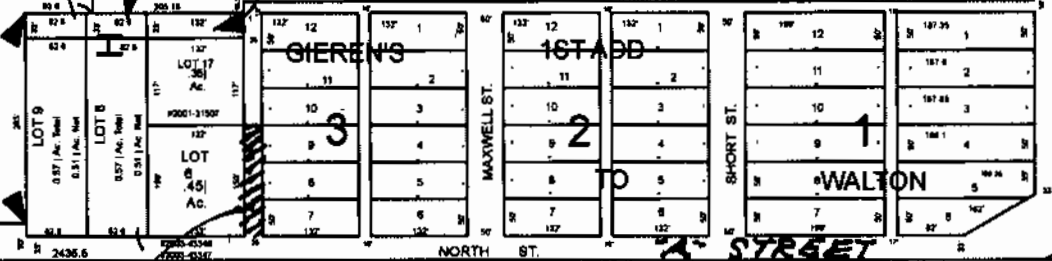
#2002-18198

LOT 53
0.08 | Ac.

LOT 54
0.10 | Ac.

LOT 52
0.08 | Ac.

c. Total
Ac. Net



PROPOSED VACATION

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

MAY 5 2006

LANCASTER COUNTY CLERK

DIRECTING THE COUNTY ENGINEER)
TO CONDUCT A STUDY REGARDING)
VACATING THE TWENTY-FIVE (25) FEET OF)
RIGHT-OF-WAY ADJACENT TO THE EAST)
LINE OF LOT 6, IRREGULAR TRACT, AND)
THE WEST LINE OF LOTS 7,8, AND 9,)
BLOCK 3 OF GIEREN'S FIRST ADDITION,)
WALTON, LANCASTER COUNTY,)
NEBRASKA)

RESOLUTION NO. R-06-0048

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1723 (Reissue 1998), the Board of County Commissioners of Lancaster County, Nebraska (hereinafter referred to as the "County Board"), has received a petition signed by ten or more electors residing within ten miles of the road proposed to be vacated or abandoned and as a result must direct the person responsible for maintenance of the public roads in Lancaster County to conduct a study regarding the use being made of such public road and to submit in writing to the Board within thirty days, a written report upon the study made and his recommendation as to the vacation thereof pursuant to Neb.Rev.Stat. § 39-1722; and

WHEREAS, the County Board received information, see Exhibit "A" attached hereto and incorporated by this reference, that the public interest will be served by vacating the twenty-five (25) feet of right-of-way adjacent to the east line of Lot 6, Irregular Tract, and the west line of Lots 7, 8 and 9, Block 3 of Gieren's First Addition, Walton, Lancaster County, Nebraska; and

WHEREAS, the Lancaster County Engineer is the person responsible for the maintenance of county roads in Lancaster County, Nebraska; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County Engineer, or such person designated by

the Engineer, shall conduct a study of the use being made of the above-described portion of county road, and to submit in writing to the County Board within thirty days, a report upon the study made and his recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, that in accordance with the provisions of Resolution No. 3049, a copy of this Resolution shall be served upon the Lincoln/Lancaster County Planning Department, which shall report in writing within thirty days, unless a longer period is granted by the County Board, as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan.

DATED this 16 day of May, 2006.

APPROVED AS TO FORM
this 16 day of
May, 2006.

Kristy Mundt
for GARY L. LACEY
County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

[Signature]
Dale Schorr
[Signature]
Bennie Heer
Hudkins absent

INFORMATION SHEET

This information sheet should be completed by each primary petitioner. The attached "Petition to Vacate with Release and Waiver of Rights and Title and Quit Claim to County of Lancaster, Nebraska" should also be completed according to the instruction contained in the Instruction Sheet.

1. Petitioner's Name Grace Lutheran Church - Walton
2. Petitioner's Address 11640 A St., Walton, NE 68461
3. Petitioner's Telephone Number (402) 489-8693
4. Street/Alley/Public Way sought to be vacated The 25 foot right of way adjacent to the East line of Lot 6 IT and the West line of Lots 7, 8 & 9, Block 3 of Gieren's Addition, Walton, NE
5. Why are you seeking to have this street/alley/public way vacated?

The right of way is not currently used by the general public and the church would utilize it for further church expansion.

6. What use(s) do you propose to make of the public way if vacated?

The church will initially use it as a part of its parking lot with intentions of using it for future expansion.

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)

The 25 foot right of way adjacent to the East line of Lot 6 IT and the West line of Lots 7, 8 & 9, Block 3 Gieren's First Addition, Walton, NE
OF THE VACATED PUBLIC WAY WHICH ABUTS THE PROPERTY OWNED BY ME (US) AS DESCRIBED IN THE PETITION TO VACATE PUBLIC ROAD.

X YES NO

Prior to the public hearing the property will be appraised. The purchase price of the portion you intend to buy must be deposited with the County Clerk before receiving a deed to said property or the property will be sold to any other party willing to pay the purchase price. The vacation resolution will not become final until the full price of the entire public road proposed to be vacated has been paid.

BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPLETED AND IS ATTACHED TO THE INFORMATION SHEET.

**INSTRUCTION SHEET - - VACATION OF PUBLIC ROADS
INITIATION BY PETITION OF PRIVATE PARTIES**

IMPORTANT: PLEASE READ THIS INSTRUCTION SHEET FULLY. THE PROCEDURE FOR PROCESSING REQUESTS TO VACATE STREETS, ALLEYS OR OTHER PUBLIC ROADS IS LONG AND INVOLVED AND IMPROPERLY COMPLETED PETITIONS OR FORMS WILL CAUSE ADDITIONAL DELAY.

The power to vacate a street, alley or a public road within Lancaster County outside the City of Lincoln or other county municipalities, is vested in the Board of Commissioners. The Board may vacate a public road if it deems that such a vacation would be in the "public interest". The statutes of the State of Nebraska prescribe a procedural process for determining whether or not a road should be vacated, and in addition to this, Lancaster County requires certain other steps to be taken before a vacation petition can be acted upon.

If the County Board should decide to vacate the public road, it may either sell the property, allow it to revert to private ownership or have it remain in the public ownership. The Board's choice of alternatives will depend on the facts of each particular vacation.

The Board may also condition any vacation as it sees fit. It can be expected that the preservation of all existing easements, right-of-ways or similar encumbrances for public utilities or other beneficial or necessary uses will be a condition of most vacations. In any vacation where the land is to be sold, vacation will necessarily be conditioned upon the payment to the County of the entire purchase price of the property together with any fees or expenses charged from or for all parties purchasing right-of-way or to whom expenses have been assessed in the vacation process.

Step 1: The Nebraska Statutes (39-1723) require that:

Any person desiring the relocation, vacation or abandonment of any public road of the County, shall file in the office of the County Clerk of the proper county, a petition signed by ten or more electors (registered voters) residing within ten miles of the road proposed to be relocated, vacated or abandoned, which petition shall contain: 1) the names and addresses of said electors, 2) a clear and unambiguous description of the road proposed to be relocated, vacated or abandoned, 3) the reason or reasons why said road should be relocated, vacated or abandoned, and 4) a request that a time and date be set for public hearing before the County Board

A form for this petition is available either in the office of the County Clerk or the County Attorney.

Step 2: At the same time, or as soon thereafter as possible, as the petition with the names of ten registered voters is filed with the County Clerk, Lancaster County also requires that the primary petitioner file with the County Clerk an Information Sheet and separate Petition to Vacate a Public Road with Release and Waiver of Rights and Title and Quit Claim to the County of Lancaster from each owner of property abutting the road to be vacated. A separate sheet of information regarding filling out this petition is provided.

Step 3: Within two weeks of the receipt of the petition with ten registered voters' signatures thereon as described in paragraph one, the County Board directs the County Engineer, by resolution, to study the use being made of such public road and to submit, in writing, to the County Board within 30 days a report upon the study made and his recommendations as to the relocation, vacation or abandonment thereof. At the same time, the County Board will refer the matter to the Planning Department, which shall report in writing within 30 days, unless a longer period is granted by the County Board, as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan. And, if the road to be vacated is within three miles of the City of Lincoln, City Council approval must also be obtained. This process will be initiated by the Planning Department. The City Clerk will forward such approval or disapproval to the County Clerk and the Board of Commissioners.

While preparing his report, the County Engineer will have an independent appraisal made of the property based on Federal Highway Administration (FHWA) standards if a deposit is made with the County Clerk to cover the cost of such an appraisal. The deposit may vary according to the project involved, but \$200 shall be the minimum deposit. If the deposit is not made, no appraisal will be performed and it cannot be anticipated that the County Board will vacate the road in question. The appraisal shall consider the costs of making the land usable and whether or not a similar dedication is being made to replace the road proposed to be vacated. An appraisal may not be required when the vacation is part of a platting process. Although it can be expected that the appraisal will be acceptable to the County Board in most cases, the Board shall not be absolutely bound by the appraisal.

If the appraisal costs are more than the \$200 deposit, the primary petitioner shall be liable for the remainder of such costs before the vacation is finalized. If the appraisal costs are less than the \$200 deposit and any additional expenses owing the county by the primary petitioner, including the purchase price of any vacated real estate, such excess money shall be refunded after finalization of the vacation.

If, at the time the Board directs the County Engineer by resolution to study the use being made of such public road and before an appraisal is made, it is clear that the public interest will not be served by such a vacation, the primary petitioner will be so informed and shall have the opportunity to withdraw the request. This step does not, however, guarantee the petitioner that, if an appraisal is made, the vacation will be granted. Likewise, if it is clear that the road requested to be vacated is a road the County intends to vacate on its own initiative, the primary petitioner shall be so informed and no appraisal or quit claim deed shall be required.

Step 4: When the County Board has received the County Engineer's report, they will set a time, date and place for a public hearing upon the vacation. The resolution fixing the time, date and place for a public hearing must be published in a legal newspaper of the County for three consecutive weeks (publication during each week must be on the same day of the week as the first publication). The Board, not less than two weeks in advance of the hearing will, by registered or certified mail, send copies of the resolution setting that date to the owners of land abutting on or adjacent to the road to be vacated. All of the requirements set forth in the steps above should be completed by the time of the public hearing.

Step 5: After the public hearing, the County Board, by resolution, at its next meeting or as soon thereafter as practical, either vacates or refuses to vacate the road in question, subject to any of the conditions outlined above. A quit claim deed will be given to those persons purchasing property in this process only after all fees from all parties have been received and all the other conditions of the vacation have been met.

PETITION TO VACATE PUBLIC ROAD
WITH RELEASE AND WAIVER OF RIGHTS
AND TITLE AND QUIT CLAIM TO COUNTY
OF LANCASTER, NEBRASKA

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(For Register of Deeds Use Only)

TO THE COUNTY BOARD OF THE COUNTY OF LANCASTER, NEBRASKA

The undersigned property owner(s) hereby ask and petition you to vacate the following described street/alley/public road, to-wit:

The 25 foot right of way adjacent to the East line of Lot 6, IT and the West line of Lot 3, 849, Block 3 of Gieren's First Addition, NE,

in the County of Lancaster, Nebraska, to reserve and retain in said street, alley, or other public way such title, rights, easements and privileges as it may deem necessary. In consideration of the vacation of the above described street, alley or other public road, we, and each of us, for ourselves, our heirs, administrators, successors, and assigns, hereby waive and release any and all claims, causes of action, title, rights and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of or resulting from such vacation of said street, alley, or other public way; and hereby remise and forever quit claim unto the County of Lancaster, Nebraska and to its successors and assigns forever, all right, title, interest, estate, claim and demand, both at law and in equity, of, in and to all of said street, alley or other public way, together with all and singular there hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above described street, alley or other public way unto the County Lancaster, Nebraska and to its successors and assigns, so that none of the undersigned, nor any person in his, her, their or its name(s) or behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

CORPORATE ACKNOWLEDGMENT:

STATE OF Nebraska)
)ss
Lancaster COUNTY)

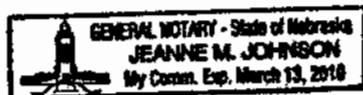
Before me, a notary public qualified for said county, personally came _____

Barry Weid, President of a corporation, known to me to be the President and identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that the corporate seal of said corporation was affixed thereto be its authority, for the purposes therein set forth, and acknowledged that he signed the foregoing instrument with the view of having said County of Lancaster vacate said street, alley or other public road and the County of Lancaster reserving and retaining in said street, alley or other public road such title, rights and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands and quit claims.

WITNESS my hand and notarial seal on April 18, 2006.

Jeanne M. Johnson, Notary Public

My commission expires: March 13, 2010



The undersigned hereby represent(s) that he, she, they or it is (are) the owner(s) of the following described property in Lancaster County, Nebraska, abutting on said street, alley or other public way, to-wit:

Lots 7, 8 & 9, Block 3 of Gieren's First Addition, Watton, NE;
Irregular Tract Lot 6, SE 30-10-8; Lot 17 NE 30-10-8;
Lot 54.5 1/2 30-10-8. See attached illustration.

Dated this 18th day of April, 2006

2006
Barry K. ...
President

State of Nebraska)
)ss
Lawrence County)

Grace Lutheran Church

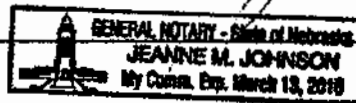
Before me, a notary public qualified for said county, personally came _____

Barry Ward
known to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she or they signed the foregoing instrument with the view of having said County of Lancaster vacate said street, alley or other public road and the County of Lancaster reserving and retaining in said street, alley or other public road such title, rights and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands and quitclaim.

WITNESS my hand and notarial seal on April 18, 2006.

Jeanne M. Johnson, Notary Public

My commission expires:



03-13-2010

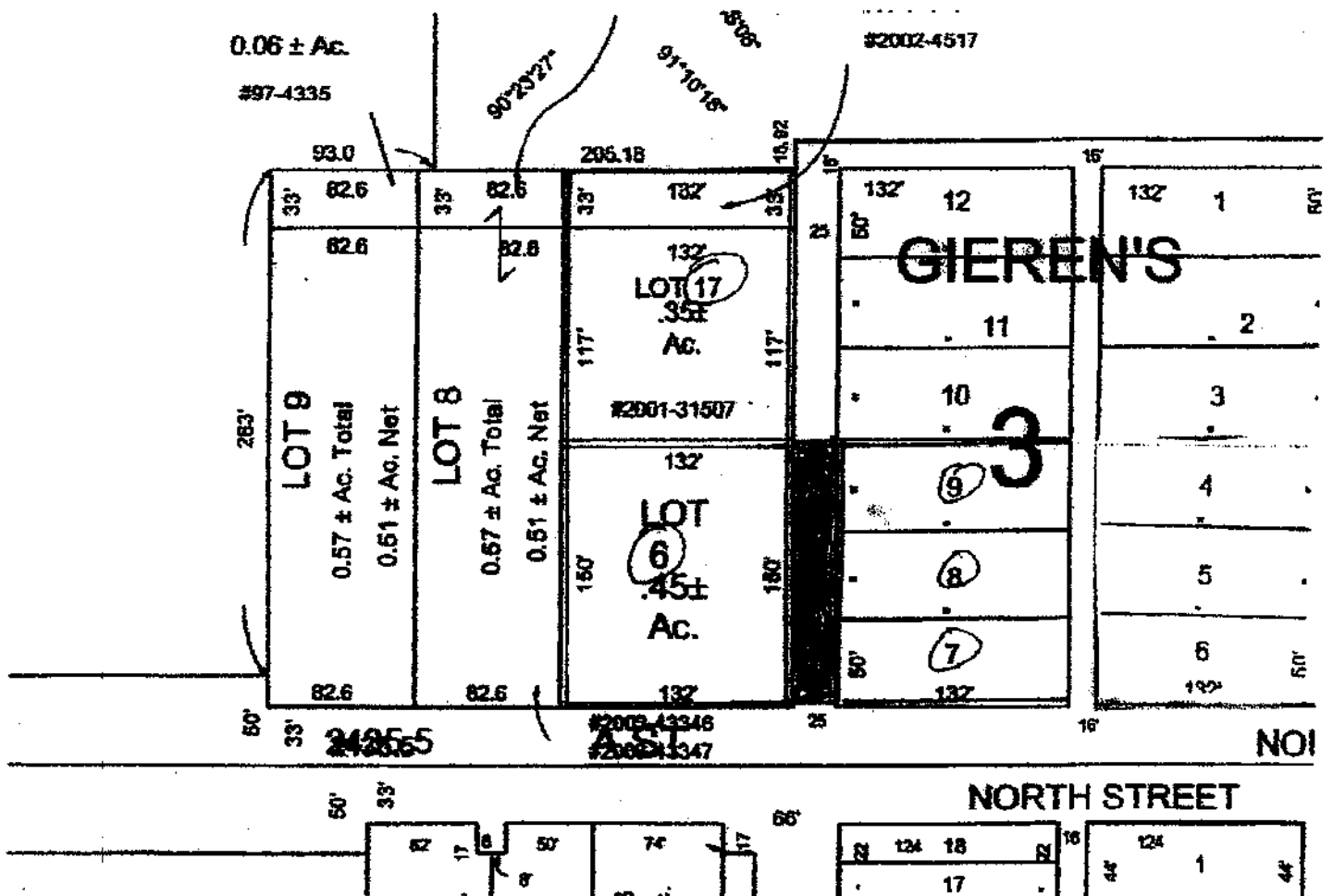
PETITION TO VACATE

RED - Lots 6, 7, 8, 9 & 17 - Owned by Grace Lutheran Church

GREEN - Parcel to be vacated, described as:

"The 25 foot right of way adjacent to the east line of Lot 6 IT and the west line of Lots 7, 8 & 9, Block 3 of Gieren's First Addition, Walton, NE"

This 25 x 150 foot parcel is owned by Lancaster County.



PETITION FOR VACATION OF PUBLIC ROAD

The undersigned registered voters of Lancaster County, Nebraska reside within ten (10) miles of a segment of public road right-of-way described as:

a map of which is attached hereto, hereby petition the County Board of Lancaster County to vacate said segment of public road for the reason that:

And further request that a time and date be set for a public hearing before the County Board on this matter.

NAME	ADDRESS
1. <u>Barry Waid</u>	<u>2210 S. Brandt Ct., Lincoln, NE</u>
2. <u>J. Ann Funch</u>	<u>1141 So 112th Lincoln, Ne. 68520</u>
3. <u>James J. Hult</u>	<u>611 Redwood Drive Lincoln NE 68510</u>
4. <u>Mitch. & M. Churn</u>	<u>1440 Janssen Dr. Lincoln, NE 68506</u>
5. <u>Jane Pellegrini</u>	<u>1808 Windsor Dr., Lincoln 68506</u>
6. <u>CH Wil</u>	<u>5540 Shady Creek Ct. Apt 22, Lincoln, 68516</u>
7. <u>Larry Schubert</u>	<u>611 Redwood Drive Lincoln, NE 68510</u>
8. <u>Willet J. Selman</u>	<u>1725 PINEDALE AVE LINCOLN, NE 68512</u>
9. <u>Robert L. Daniels</u>	<u>843 So. 47th #114 Lincoln, Ne 68510</u>
10. <u>Theresa B. Selman</u>	<u>1725 PINEDALE AVE Lincoln Ne 68512</u>
11. <u>Miriam K Howard</u>	<u>3020 W. Empower Ave. Omaha, Ne 68132</u>
12. <u>S. Hines</u>	<u>315 Park Vista Lincoln NE 68510</u>
13. <u>Danette Sam. Hittler</u>	<u>6301 Rainier Ct Lincoln NE 685</u>
14. <u>Kathryn Danielson</u>	<u>7130 Grand Oaks Circle Lincoln, NE 68516</u>
15. <u>Nancy Bick</u>	<u>11800 Holdrege Lincoln, NE 68522</u>

Part of the unincorporated
Village of Walton located
in the 1/2 of Section 16
T14N R1E

Plat No. 100
45-1500-1
JAN 24 1984

LOT 52

LOT 53

LOT 54

LOT 9

LOT 8

LOT 17

12 GILREN'S

11

10 11647 A ST
WALTON NE 6840'

10

11 11647 A ST
WALTON NE 6840'

3 3

1ST ADD.
9 TO WALTON 4

LOT 6

8

11647 A ST
WALTON NE 6840'

7

11647 A ST
WALTON NE 6840'

5

6

32.6

10

132

50

33

33

"A" STREET

MAXWELL ST.



EXHIBIT 'A'

Part of the unincorporated
Village of Walton located
in the S1/2 of Section 30
T10N R8E

FRANCKE, JON C
RR 2 BOX 17
LINCOLN, NE 68520



LOT 52

93

CUDDY, WARREN
11600 A ST
WALTON, NE 68461

82.6

LOT 9

CUDDY, WARREN
11600 A ST
WALTON, NE 68461

82.6

OBERG, BONNIE &
1836 S 8 RD
DOUGLAS, NE 68444

82.6

LOT 8

OBERG, BONNIE &
1836 S 8 RD
DOUGLAS, NE 68344

82.6

GRACE EVANGELICAL LUTHERAN CHURCH
PO BOX 262
WALTON, NE 68461

132

LOT 17

GRACE EVAN LUTHERAN CHURCH
PO BOX 262
WALTON, NE 68461

132

LOT 6

GRACE EVANGELICAL LUTHERAN
PO BOX 262
WALTON, NE 68461

132

LOT 53

205.18

LOT 54

BRINKHOFF, KEITH H ET AL
2302 BRADFIELD DR
LINCOLN, NE 68502

132

12
GIEREN'S

BRINKHOFF, KEITH H ET AL
2302 BRADFIELD DR
LINCOLN, NE 68502

132

BRINKHOFF, KEITH H ET AL
2302 BRADFIELD DR
LINCOLN, NE 68502

132

HUMM, IRA M
1411 S 118 ST
WALTON, NE 68461

132

GRACE LUTHERAN CHURCH / WALTON
11840 A ST
WALTON, NE 68461

132

GRACE LUTHERAN CHURCH / WALTON
11840 A ST
WALTON, NE 68461

132

BRINKHOFF, KEITH H ET AL
2302 BRADFIELD DR
LINCOLN, NE 68502

132

1

STERN, WILLIAM R & MIRIAM A
RR
WALTON, NE 68461

132

2

STERN, WILLIAM R & MIRIAM A
RR
WALTON, NE 68461

132

3

MAY, ISABEL E
4900 N 14 ST
LINCOLN, NE 68521

132

5

ANDERSON, SANDY K
1509 E ST
LINCOLN, NE 68508

132

6

MAXWELL ST.

50

50

33

33

"A" STREET

33

33

50



"Cheryl L. Eno"
<cenol@ci.lincoln.ne.us>

06/21/2006 02:44 PM

Please respond to
Rick Peo
<rpeo@ci.lincoln.ne.us>

To "DeKalb, Mike" <MDekalb@ci.lincoln.ne.us>

cc

bcc

Subject FROM RICK PEO: SAV 06004

Mike,

We have reviewed the petition submitted with respect to SAV 06004.

The ownership set forth in the Petition to Vacate Public Way for the above-referenced street vacation is correct and the petition has been properly executed.

Rick Peo
Chief Asst. City Attorney
441-7264

M e m o r a n d u m

To: Mike DeKalb - Planning

From: Byron Blum - Engineering Services

Subject: Street & Alley Vacation - SAV #06004

Date: June 14, 2006

cc: Randy Hoskins
Dennis Bartels

The proposed vacation is outside of the City of Lincoln City Limits. There are no City utilities in this area. Public Works also agrees with the comments from the Lancaster County Engineering Department concerning access to the public right-of-way.

Lancaster
County

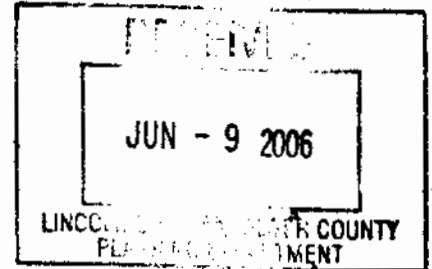
DON R. THOMAS - COUNTY ENGINEER

Engineering

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

Department

DATE: June 8, 2006
TO: Lancaster County Board of Commissioners
FROM: Larry V. Worrell
County Surveyor
SUBJECT: RESOLUTION NO. R-06-0048
STUDY



In review, this office would have the following observations:

- 1) Glerens 1st Addition to Walton was platted in 1910. The requested area of vacation is part of a half street dedication made on that plat.
- 2) The Grace Evangelical Lutheran Church came into existence by Deed in 1920.

It is given, the church owns both sides of the dedicated half street, but there are two property owners affected to the north of the requested location.

One of the property owners has a direct connection to Maxwell Street by virtue of frontage on Maxwell Street, that being the owner of Lots 1, 11 and 12, Block 3.

The owner of Lot 10, Block 3, has only frontage onto the half street and an alley access that connects to "A" Street.

Even though this was only a half street dedication in 1910 and no street was installed or utilized for the public, this office does not see this request for vacation to be in the best interest of the future.

Therefore, I would recommend denial of the requested vacation.

cc: Mike DeKalb, Planning Department

enclosures

LWW/bml
Barbi/Vacations/Resolution No. 06-0048 Study.Mem